



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: June 20, 2013
Applicant: The Futbol Factory, LLC
Case No.: PCC-13-017
Address: 2390 Boswell Road, Suite 400
Project Planner: Jeff Steichen

Notice is hereby given that on June 20, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-017, filed by The Futbol Factory, LLC ("Applicant"). The Applicant requests to locate an indoor soccer training facility ("Project") within an existing building at 2390 Boswell Road, Suite 400 ("Project Site"). The project site is within the BC-2 Land Use District of the Eastlake Business Center II Sectional Planning Area (SPA) Plan and is designated Limited Industrial (IL) in the City of Chula Vista's General Plan. The Project is more specifically described as follows:

The Project would locate an indoor soccer training facility within an existing building at 2390 Boswell Road, Suite 400. The facility will encompass 28,689-square-feet and consist of approximately 3,800 square-feet of office/reception area and approximately 25,000 square-feet of soccer training facility. Hours of operation would be as follows:

- Monday through Friday 7a.m. to 11:00 p.m.
- Saturday: 7 a.m. to 10 p.m.
- Sunday: 9 a.m. to 5:00 p.m.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 (existing facilities) categorical exemption pursuant to Section 15301 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The proposed soccer training facility is classified as an educational facility. Pursuant to the Eastlake Business Center II SPA Plan PC District Regulations (Section IV.1 Permitted Uses: Business Center Districts, Subsection G 5) educational facilities are conditionally permitted subject to approval of a Conditional Use Permit. The Zoning Administrator makes the Conditional Use Permit findings as required per Chula Vista Municipal Code Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed use would provide for a unique educational opportunity for sports instruction for children and adults of the City of Chula Vista. The provision of these services would contribute to the general well being of the surrounding community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The use will be conducted completely indoors. The site has exclusive use to 51 parking spaces which would be adequate to serve the proposed use. The project will not include any tournaments by which the public or outside teams are invited to participate within the premises. The temporary use is granted for a period of five years, until long-term permanent space is available. For these reasons, the proposed use will not be detrimental to the health, safety or general welfare of the persons, property and improvements in the vicinity.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill conditions and to comply with applicable regulations and standards specified in the Eastlake Business Center SPA Plan. Because the business is of a similar nature to the previous tenant, there is no change in occupancy. In addition, no building permits are required in that the previous tenant met all code requirements at the time of occupancy and no improvements are being requested as part of this application. This permit includes conditions of approval, which require the project to operate in continuing compliance with all applicable City codes and regulations. These conditions will be enforced as long as the use operates at the location.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The project site is located within the Eastlake Business Center II SPA. The project is a temporary use that provides educational services to the community, which is a permitted use in the BC-2 Land Use District of the Eastlake Business Center II SPA Plan. Therefore, the use is consistent with and will not alter the land use patterns or in any way adversely effect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-017 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-017, date stamped approved on June 20, 2013, which includes a site plan and floor plans on file in the Planning Division, the conditions contained herein, and Title 19.
2. Hours of operation shall be limited to the following: Monday through Friday 7:00 a.m. to 11:00 p.m.; Saturday: 7 a.m. to 10 p.m.; and Sunday 9 a.m. to 5:00 p.m.
3. Approval of this Project shall not waive compliance with all sections of the Eastlake Business Center SPA Plan, and all other applicable City Ordinances in effect at the time of approval of this Conditional Use Permit.
4. This Conditional Use Permit shall become void and ineffective if not utilized within three years from the effective date, in accordance with Section 19.14.260 of the Chula Vista Municipal Code.

5. Maintain compliance with Fire and Building Code requirements. Any prior or future modifications to tenant's lease space require the additional applicable permits when appropriate.
6. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
7. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
8. This Conditional Use Permit shall expire five (5) years from the date of the Zoning Administrator's approval. The Applicant may request an extension 30 days prior to expiration date from this Conditional Use Permit approval. The Zoning Administrator shall review this Project for compliance with the conditions of approval and any applicable codes and regulations, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.
9. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from: (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
10. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
11. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions.

or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA
VISTA, CALIFORNIA, this 20th of June 2013



Mary Ladiana
Zoning Administrator